

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL E. LOCKHOFF,
Plaintiff,

CIVIL ACTION

v.

**ISAIAH SLONAKER, IV and STEPHEN
M. KAMNIK,**
Defendants.

NO. 16-2893

ORDER

AND NOW, this 5th day of June, 2017, upon consideration of the Defendants' Motion for Summary Judgment (ECF 15), the Plaintiff's Response (ECF 16), and the Reply thereto (ECF 17), **IT IS ORDERED** that the motion is **GRANTED IN PART AND DENIED IN PART** as follows:

- (1) Defendants' Motion is **GRANTED** with respect to Count II (False Arrest and False Imprisonment), Count IV (Civil Conspiracy), and Count V (Intentional Infliction of Emotional Distress);
- (2) To extent the Complaint alleges an unreasonable search in violation of the Fourth Amendment, the Defendants' Motion is **GRANTED**;
- (3) Defendants' Motion is **GRANTED** with respect to Count I (Unreasonable and Excessive Force), and Count VI (Assault and Battery), to the extent that Counts I and VI arise from the on-camera use of force;
- (4) Defendants' Motion is **GRANTED** as to Defendant Slonaker with respect to Count VII (Section 1983 Malicious Prosecution), and Count VIII (State Law – Malicious Prosecution)
- (5) Defendants' Motion is **GRANTED** as to Defendant Kamnick with respect to Count VII (Section 1983 Malicious Prosecution), and Count VIII (State Law – Malicious Prosecution), to the extent that Counts VII and VIII arise from the marijuana, paraphernalia, disorderly conduct by obscene language, and motor vehicle offense charges;
- (6) **JUDGMENT IS ENTERED IN FAVOR** of Defendants Slonaker and Kamnick, and **AGAINST** Plaintiff on Counts II, IV, V, on his unreasonable search claim, and on Counts I and VI to the extent that they arise from the on-camera use of force;
- (7) **JUDGMENT IS ENTERED IN FAVOR** of Defendant Slonaker, and **AGAINST** Plaintiff and on Counts VII and VIII;

- (8) **JUDGMENT IS ENTERED IN FAVOR** of Defendant Kamnick, and **AGAINST** Plaintiff and on Counts VII and VIII to the extent that they arise from the marijuana, paraphernalia, disorderly conduct by obscene language, and motor vehicle offense charges;
- (9) Defendants' Motion is **DENIED** with respect to Count I (Unreasonable and Excessive Force), and Count VI (Assault and Battery), to the extent that Counts I and VI arise from the off-camera use of force;
- (10) Defendants' Motion is **DENIED** as to Defendant Kamnick with respect to Count VII (Section 1983 Malicious Prosecution), and Count VIII (State Law – Malicious Prosecution), to the extent that Counts VII and VIII arise from the charges of resisting arrest in violation of 18 Pa. Cons. Stat § 5104, and disorderly conduct by fighting in violation of 18 Pa. Cons. Stat. § 5503(a)(1).

BY THE COURT:

/s/ Wendy Beetlestone, J.

WENDY BEETLESTONE, J.